

Application GRANTED. Defendants' reply to the Government's opposition to the Motion for Reconsideration shall be filed by December 10, 2019, with the Government's sur-reply, if any, due by December 13, 2019.

Dated: December 4, 2019

New York, New York

November 25, 2019


LORNA G. SCHOFIELD

UNITED STATES DISTRICT JUDGE

WRITER'S DIRECT DIAL NO.
(424) 652-7814

WRITER'S INTERNET ADDRESS
lein@bakermarquart.com

By ECF

The Honorable Lorna G. Schofield
United States District Judge
Southern District of New York
40 Foley Square
New York, New York 10007

Re: United States v. Sohrab Sharma and Robert Farkas
CR 18-340-LGS

Dear Judge Schofield:

Defendants Sohrab Sharma and Robert Farkas request leave of the Court to file a 5-page joint reply to the government's opposition to the defendants' motion to for reconsideration of their Rule 15 motion (the "Opposition"). The defendants' request that the reply be due no later than 7 days from the date of the granting of this request but in no case not earlier than Tuesday, December 2, 2019, because of the Thanksgiving holiday weekend.

By way of background, on October 23, 2019, the defendants filed a 13-page motion for reconsideration. (Dkt. 221). On October 25, 2019, the government submitted a letter requesting a briefing schedule, with its opposition due on November 13, 2019. (Dkt. 222.) The Court shortly after issued an order granting the government's request and stated that no reply was permitted. (Dkt. 225). The Opposition is 25 pages and raises arguments and makes factual assertions that the defense needs to respond to for the Court to have a complete briefing on this important issue. (*See Dkt. 241*.) This includes, for example, the defendants' desire to explain in their reply how they understand that at least one of their proposed Rule 15 witnesses has unique and material first-hand knowledge that the government's proposed witness, Centra Tech's former Chief Technology Officer, could not have because he was only hired in mid-August 2017, despite the government's claims to the contrary in the Opposition. (*Id.* at 16-17.) The timing is significant because the Indictment alleges that the token sale and scheme to defraud began on or about July 30, 2017. (Dkt. 14 at 5 and 7.)

The government takes no position on this request, with the caveat that if the reply raises new arguments or facts that were not set forth in the motion for reconsideration, the government will request leave of the Court to file a sur-reply to address them.

For all the above reasons, the defense requests that the Court grant the above request.

Respectfully submitted,

/s/ Brian E. Klein

Brian E. Klein

Baker Marquart LLP

-and-

Paul D. Petrucci

Law Offices of Paul D. Petrucci PA

-and-

Sanford N. Talkin

Talkin, Muccigrosso & Roberts LLP

Attorneys for Robert Farkas

/s/ Gennaro Cariglio Jr.

Gennaro Cariglio Jr. P.L.

-and-

Grant P. Fondo (*admitted pro hac vice*)

Goodwin Procter LLP

-and-

Denis P. Kelleher, Jr.

Talkin, Muccigrosso & Roberts LLP

Attorneys for Sohrab Sharma